



General Assembly

January Session, 2019

Amendment

LCO No. 8103



Offered by:
REP. PETIT, 22nd Dist.

To: Subst. House Bill No. 7070 File No. 753 Cal. No. 451

**"AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES
OF LIMITED SERVICES PREGNANCY CENTERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2019*) As used in this section and
4 sections 2 and 3 of this act:

5 (1) "Abortion" means the termination of a pregnancy for purposes
6 other than producing a live birth. "Abortion" includes, but is not
7 limited to, a termination of a pregnancy using pharmacological agents;

8 (2) "Client" means an individual who is inquiring about or seeking
9 services at a pregnancy services center;

10 (3) "Clinical laboratory services" means the microbiological,
11 serological, chemical, hematological, biophysical, cytological or
12 pathological examination of materials derived from the human body
13 for the purpose of obtaining information for the diagnosis, prevention

14 or treatment of disease or the assessment of a health condition;

15 (4) "Emergency contraception" means one or more prescription
16 drugs (A) used separately or in combination for the purpose of
17 preventing pregnancy, (B) administered to or self-administered by a
18 patient within a medically recommended amount of time after sexual
19 intercourse, (C) dispensed for such purpose in accordance with
20 professional standards of practice, and (D) determined by the United
21 States Food and Drug Administration to be safe for such purpose;

22 (5) "Health information" means any oral or written information in
23 any form or medium that relates to health insurance or the past,
24 present or future physical or mental health or condition of a client;

25 (6) "Licensed health care provider" means a person licensed under
26 the provisions of federal or state law to provide health care or other
27 medical services;

28 (7) "Limited services pregnancy center" means a pregnancy services
29 center that does not provide referrals to clients for abortions or
30 emergency contraception;

31 (8) "Pregnancy-related service" means any medical or health
32 counseling service related to pregnancy or pregnancy prevention,
33 including, but not limited to, contraception and contraceptive
34 counseling, pregnancy testing, pregnancy diagnosis, pregnancy
35 options counseling, obstetric ultrasound, obstetric sonogram and
36 prenatal care;

37 (9) "Pregnancy services center" means a facility, including a mobile
38 facility, the primary purpose of which is to provide services to clients
39 who are or may be pregnant and that either (A) offers obstetric
40 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or
41 prenatal care to pregnant clients, or (B) has the appearance of a
42 medical facility by virtue of having two or more of the following
43 factors present: (i) Staff or volunteers who wear medical attire and
44 uniforms; (ii) one or more examination tables; (iii) a private or

45 semiprivate room or area containing medical supplies or medical
46 instruments; (iv) staff or volunteers who collect health information
47 from clients; or (v) the facility is located on the same premises as a
48 licensed health care facility or licensed health care provider or shares
49 facility space with a licensed health care provider;

50 (10) "Premises" means land and improvements or appurtenances or
51 any part thereof; and

52 (11) "Prenatal care" means services consisting of a physical
53 examination, pelvic examination or clinical laboratory services
54 provided to a client during pregnancy.

55 Sec. 2. (NEW) (*Effective July 1, 2019*) Each limited services pregnancy
56 center shall, when making or disseminating, or causing to be made or
57 disseminated, in any newspaper or other publication, through any
58 advertising device or in any other manner, including, but not limited
59 to, through use of the Internet, any statement concerning any service
60 provided by the limited services pregnancy center or the provision of
61 any pregnancy-related service by the limited services pregnancy
62 center, include in such statement a list of every service, including every
63 pregnancy-related service, offered by the limited services pregnancy
64 center.

65 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Commissioner of
66 Consumer Protection may apply to any court of competent jurisdiction
67 for injunctive relief to compel compliance with the provisions of
68 section 2 of this act and correct the effects of any statement made in
69 violation of said section, provided the commissioner gives written
70 notice to the limited services pregnancy center in accordance with
71 subsection (b) of this section. Any injunctive relief ordered by the court
72 under this section may require a limited services pregnancy center to
73 take whatever remedial steps the court deems necessary to correct the
74 effects of the statement made in violation of section 2 of this act and to
75 prevent further harm from occurring. Such steps may include
76 requiring the limited service pregnancy center to:

77 (1) Pay for and disseminate appropriate corrective advertising in the
78 same form and using the same advertising device as used in the
79 advertising that was in violation of section 2 of this act;

80 (2) Post a remedial notice that corrects the effects of any statement
81 made in violation of section 2 of this act for clients entering the facility
82 that may have seen the original statement made in violation of said
83 section, but have not seen any subsequent court-ordered corrective
84 advertisements required under subdivision (1) of this subsection; or

85 (3) Provide such other relief as the court deems necessary to remedy
86 the adverse effects of any statement made in violation of section 2 of
87 this act on any clients seeking services.

88 (b) Prior to requiring corrective remedial action or issuing a civil
89 penalty under this section, the commissioner shall give notice to the
90 limited services pregnancy center of the violation of section 2 of this
91 act and allow the limited services pregnancy center to cure such
92 violation not less than ten days after receipt of the written notice. The
93 commissioner may file an action pursuant to subsection (a) of this
94 section after such ten-day period if the limited services pregnancy
95 center does not respond to the written notice or refuses to cure the
96 violation of section 2 of this act.

97 (c) Upon a finding by the court that a limited services pregnancy
98 center has violated any provision of section 2 of this act, the state shall
99 be entitled to recover (1) civil penalties of not less than fifty dollars and
100 not more than five hundred dollars per violation, and (2) reasonable
101 attorney's fees and costs.

102 (d) Nothing in this section shall be construed as a limitation upon
103 the power or authority of the state or any political subdivision thereof
104 to seek any administrative, legal or equitable relief permitted by law."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section